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EXTRAORDINARY

PART II—Section 2

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LOK SABHA

The following Bill was introduced in Lok Sabha on the 25th July, 1957 :—

BILL No. 9 OF 1957

*A Bill to provide for the creation of a Legislative Council for the State of Andhra Pradesh and the increasing of the strength of the Legislative Councils of the States having such Councils and for matters connected therewith.*

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. This Act may be called the Legislative Councils Act, 1957.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions

5 (a) each of the words and expressions defined in the Representation of the People Act, 1950, but not defined in this Act, shall have the same meaning as in that Act;

43 of 1950.

10 (b) "sitting member" means a person who immediately before the commencement of this Act is a member of a Legislative Council.

15 3. (1) As from such date as the President may by order appoint, there shall be a Legislative Council for the State of Andhra Pradesh; and as from that date, in sub-clause (a) of clause (1) of article 168 of the Constitution, after the words "States of", the words "Andhra Pradesh" shall be inserted.

Creation of  
a Legislative  
Council for  
Andhra  
Pradesh.

(2) In the said Council, there shall be 90 seats of which—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause

(3) of article 171 shall be 31, 8 and 8 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Andhra Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 31; and

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(c) the number to be filled by persons nominated by the Governor of Andhra Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(3) As soon as may be after the commencement of this Act, the President, after consultation with the Election Commission, shall by order, determine—

(a) the constituencies into which the State of Andhra Pradesh shall be divided for the purpose of elections to the said Council under each of the sub-clauses (a), (b) and (c) of clause (3) of article 171;

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(b) the extent of each constituency; and

(c) the number of seats to be allotted to each constituency.

(4) As soon as may be after such determination, steps shall be taken to constitute the said Council in accordance with the provisions of this Act and of the Representation of the People Act, 1950, and the Representation of the People Act, 1951.

43 of 1950.  
43 of 1951.

increase in  
the strength  
of the Bihar  
Legislative  
Council.

4. (1) The total number of seats in the Legislative Council of Bihar shall be increased from 72 to 96 and of those seats—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 34, 8 and 8 respectively;

25

(b) the number to be filled by persons elected by members of the Legislative Assembly of Bihar in accordance with the provisions of sub-clause (d) of the said clause shall be 34; and

(c) the number to be filled by persons nominated by the Governor of Bihar in accordance with the provisions of sub-clause (e) of that clause shall be 12.

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(2) The Delimitation of Council Constituencies (Bihar) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the First Schedule.

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(3) As soon as may be after the commencement of this Act, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act, and

(b) the additional seats to be filled by the persons referred to in clause (b) of sub-section (1), as if those seats had become vacant.

(4) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 6th May, 1958, and on the expiration of every second year thereafter, the Governor of Bihar shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members to be elected to fill the additional seats under sub-section (3).

37 of 1956. 5. (1) The total number of seats in the Legislative Council for the State of Bombay to be re-constituted under section 34 of the States Reorganisation Act, 1956, shall be increased from 72 as fixed by sub-section (3) of that section to 108. Increase in the strength of the Bombay Legislative Council.

15 (2) The said section shall be amended as follows:—

(a) in sub-section (3),—

(i) for the figures “72”, the figures “108” shall be substituted;

20 (ii) in clause (a), for the figures and word “24, 6 and 6”, the figures and word “39, 9 and 9” shall be substituted;

(iii) in clause (b), for the figures “24”, the figures “39” shall be substituted;

25 (b) in sub-section (4), for the words “this Act”, the words and figures “the Legislative Councils Act, 1957” shall be substituted; and

(c) in sub-section (5),—

(i) for the words “the appointed day”, the words “such commencement” shall be substituted; and

(ii) the proviso shall be omitted.

30 37 of 1956. 6. (1) The total number of seats in the Legislative Council for the State of Madhya Pradesh to be constituted under section 33 of the States Reorganisation Act, 1956, shall be increased from 72 as fixed by sub-section (2) of that section to 90. Increase in the strength of the Madhya Pradesh Legislative Council.

(2) The said section shall be amended as follows:—

35 (a) in sub-section (2),—

(i) for the figures “72”, the figures “90” shall be substituted;

(ii) in clause (a), for the figures and word "24, 6 and 6", the figures and word "31, 8 and 8" shall be substituted;

(iii) in clause (b), for the figures "24", the figures "31" shall be substituted;

(b) in sub-section (3), for the words "this Act", the words 5 and figures "the Legislative Councils Act, 1957" shall be substituted; and

(c) in sub-section (4),—

(i) for the words "the appointed day", the words "such commencement" shall be substituted; and 10

(ii) the proviso shall be omitted.

Increase in  
the strength  
of the  
Madras  
Legislative  
Council.

7. (1) The total number of seats in the Legislative Council of Madras shall be increased from 50 to 63 and of those seats—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) 15 of article 171 shall be 21, 6 and 6 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Madras in accordance with the provisions of sub-clause (d) of the said clause shall be 21; and 20

(c) the number to be filled by persons nominated by the Governor of Madras in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) The Delimitation of Council Constituencies (Madras) Order, 1951, shall, until other provision is made by law, have effect subject 25 to the modifications directed by the Second Schedule.

(3) As soon as may be after the commencement of this Act,—

(a) elections shall be held to fill—

(i) the additional seats allotted to the local authorities' constituencies and the teachers' constituency by the said 30 Order as modified by this Act; and

(ii) the additional seats to be filled by the persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant;

(b) one person shall be nominated by the Governor of 35 Madras to fill the additional seat under clause (c) of the said sub-section.

(4) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 20th April, 1958, and on the expiration of every second year thereafter, the Governor of Madras shall, after consultation with the Election Commission, make by order, such provisions as he thinks fit in regard to the terms of office of the members to be elected under clause (a) of sub-section (3) and of the member to be nominated under clause (b) of that sub-section.

37 of 1956. 8. (1) The total number of seats in the Legislative Council for the State of Mysore to be re-constituted under section 36 of the States Reorganisation Act, 1956, shall be increased from 52 as fixed by sub-section (3) of that section to 63. Increase in the strength of the Mysore Legislative Council.

(2) Sub-section (3) of the said section shall be amended as follows:—

15 (a) for the figures "52", the figures "63" shall be substituted;

(b) in clause (a), for the figures and word "18, 4 and 4", the figures and word "21, 6 and 6" shall be substituted;

(c) in clause (b), for the figures "18", the figures "21" shall be substituted; and

20 (d) in clause (c), for the figure "8", the figure "9" shall be substituted.

9. (1) The total number of seats in the Legislative Council of Punjab shall be increased to 51 and of those seats— Increase in the strength of the Punjab Legislative Council.

25 (a) the numbers to be filled by persons elected by electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 17, 4, and 4 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Punjab in accordance with the provisions of sub-clause (d) of the said clause shall be 18; and

30 (c) the number to be filled by persons nominated by the Governor of Punjab in accordance with the provisions of sub-clause (e) of that clause shall be 8.

(2) As from the commencement of this Act, the Delimitation of Council Constituencies (Punjab) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Third Schedule, and in the said Order as so modified, any reference to the State of Punjab shall be construed as a reference to

that State as formed by section 11 of the States Reorganisation Act, 1956.

37 of 1956.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency specified against that constituency in column 2 of the said Table:—

TABLE		10
1	2	
Ambala-cum-Karnal (Local Authorities) constituency.	Punjab South (Local Authorities) constituency.	
Gurgaon-cum-Rohtak-cum-Hissar-cum-Simla (Local Authorities) constituency.	Punjab South (Local Authorities) constituency.	15
Hoshiarpur-cum-Kangra-cum-Gurdaspur (Local Authorities) constituency.	Punjab North (Local Authorities) constituency.	
Jullunder-cum-Ferozepore-cum-Amritsar-cum-Ludhiana (Local Authorities) constituency.	Punjab North (Local Authorities) constituency.	20

(b) every sitting member of the said Council representing immediately before such commencement the graduates' constituency or the teachers' constituency shall be deemed to have been elected to the said Council by that constituency as altered by virtue of sub-section (2);

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(c) every sitting member of the said Council elected by the members of the Legislative Assembly of the former State of Punjab and every sitting member of the said Council elected under clause (b) of sub-section (2) of section 37 of the States Reorganisation Act, 1956, shall be deemed to have been duly elected by the members of the Legislative Assembly of the present State of Punjab.

30 37 of 1956.

(4) As soon as may be after such commencement, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the Delimitation of Council Constituencies (Punjab) Order, 1951, as modified by this Act;

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(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

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(5) The said Council shall be deemed to have been first constituted on the date on which the Legislative Council of the former State of Punjab was first constituted.

(6) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 26th April, 1958, and on the expiration of every second year thereafter the Governor of Punjab shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the sitting members elected under clause (b) of sub-section (2) of section 37 of the States Reorganisation Act, 1956, and of the members to be elected under sub-section (4) of this section.

(7) Section 37 of the States Reorganisation Act, 1956, shall be amended, and shall be deemed always to have been amended, as follows:—

(a) in sub-section (2), for the words, brackets and figures “Until the said Council has been re-constituted in accordance with the provisions of sub-sections (3) and (4) of this section and of any other law for the time being in force and has been summoned to meet for the first time”, the words “Until otherwise provided by law” shall be substituted;

(b) sub-sections (3) and (4) shall be omitted.

(8) In this section, the expression, “the former State of Punjab” means the State of Punjab as it existed immediately before the 1st day of November, 1956.

10. (1) The total number of seats in the Legislative Council of Uttar Pradesh shall be increased from 72 to 108 and of those seats—

Increase in the strength of the Uttar Pradesh Legislative Council.

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 39, 9 and 9 respectively;

(b) the number to be filled by persons elected by the members of the Legislative Assembly of Uttar Pradesh in accordance with the provisions of sub-clause (d) of the said clause shall be 39; and

(c) the number to be filled by persons nominated by the Governor of Uttar Pradesh in accordance with the provisions of sub-clause (e) of that clause shall be 12.

(2) The Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951, shall, until other provision is made by law, have effect subject to the modifications directed by the Fourth Schedule.

(3) As from the commencement of this Act—

(a) every sitting member of the said Council representing immediately before such commencement a graduates' constituency or a teachers' constituency the extent of which is altered

by virtue of sub-section (2) shall be deemed to have been elected to the said Council by that constituency as so altered;

(b) every sitting member of the said Council representing immediately before such commencement any local authorities' constituency specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the local authorities' constituency specified against that constituency in column 2 of the said Table:—

TABLE

I	2	IO
Uttar Pradesh North-West (Local Authorities) constituency.	Mecrut (Local Authorities) constituency.	
Uttar Pradesh North-East (Local Authorities) constituency.	Robilkhand (Local Authorities) constituency.	
Uttar Pradesh West (Local Authorities) constituency.	Agia (Local Authorities) constituency.	15
Uttar Pradesh Central (Local Authorities) constituency.	Lucknow (Local Authorities) constituency.	
Uttar Pradesh South (Local Authorities) constituency.	Allahabad (Local Authorities) constituency.	20
Uttar Pradesh East (Local Authorities) constituency.	Varanasi (Local Authorities) constituency.	

(4) As soon as may be after such commencement, elections shall be held to fill—

(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and

(b) the additional seats to be filled by persons referred to in clause (b) of sub-section (1),

as if those seats had become vacant.

(5) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 5th May, 1958, and on the expiration of every second year thereafter the Governor of Uttar Pradesh shall, after consultation with the Election Commission, make by order such provisions as he thinks fit in regard to the terms of office of the members to be elected under sub-section (4).

11. (1) The total number of seats in the Legislative Council of West Bengal shall be increased from 51 to 75 and of those seats—

(a) the numbers to be filled by persons elected by the electorates referred to in sub-clauses (a), (b) and (c) of clause (3) of article 171 shall be 27, 6 and 6 respectively;

Increase  
in the  
strength of  
the West  
Bengal  
Legislative  
Council.



(b) the number to be filled by persons elected by the members of the Legislative Assembly of West Bengal in accordance with the provisions of sub-clause (d) of the said clause shall be 27; and

5 (c) the number to be filled by persons nominated by the Governor of West Bengal in accordance with the provisions of sub-clause (e) of that clause shall be 9.

(2) The Delimitation of Council Constituencies (West Bengal) Order, 1951, shall, until other provision is made by law, have effect  
10 subject to the modifications directed by the Fifth Schedule.

(3) As from the commencement of this Act,—

(a) every sitting member of the said Council representing immediately before such commencement the Calcutta (Graduates) constituency and every such member representing the Calcutta (Teachers) constituency, the extent of which is altered by  
15 virtue of sub-section (2) shall be deemed to have been elected to the said Council respectively by the Calcutta (Graduates) constituency and the Calcutta (Teachers) constituency as so altered;

(b) every sitting member of the said Council representing  
20 immediately before such commencement any of the council constituencies specified in column 1 of the Table below shall be deemed to have been elected to the said Council by the council constituency specified against that constituency in column 2 of the said Table:—

25

TABLE

	1	2
	West Bengal South (Graduates) constituency	West Bengal (Graduates) constituency.
	West Bengal West (Graduates) constituency	West Bengal (Graduates) constituency.
30	West Bengal North (Graduates) constituency.	West Bengal (Graduates) constituency.
	Burdwan Division (Teachers) constituency.	West Bengal (Teachers) constituency.
	Presidency Division South (Teachers) constituency.	West Bengal (Teachers) constituency.
35	Presidency Division North (Teachers) constituency.	West Bengal (Teachers) constituency.
	Darjeeling (Local Authorities) constituency.	West Bengal North (Local Authorities) constituency.
40	West Bengal North (Local Authorities) constituency.	West Bengal North (Local Authorities) constituency.

1	2
Nadia-Murshidabad (Local Authorities) constituency.	West Bengal East (Local Authorities) constituency.
Calcutta-24-Parganas (Local Authorities) constituency.	West Bengal South (Local Authorities) constituency. 5
Hoogly-Howrah (Local Authorities) constituency.	West Bengal Central (Local Authorities) constituency.
Burdwan Division North (Local Authorities) constituency.	West Bengal West (Local Authorities) constituency.

(4) As soon as may be after such commencement elections shall 10  
be held to fill—

(a) the additional seats allotted to the several council constituencies by the said Order as modified by this Act; and

(b) the additional seats to be filled by persons referred to 15  
in clause (b) of sub-section (1),

as if those seats had become vacant.

(5) In order that, as nearly as may be, one-third of the members of the said Council may retire on the 4th June, 1958; and on the expiration of every second year thereafter the Governor of West Bengal shall, after consultation with the Election Commission, 20  
make by order such provisions as he thinks fit in regard to the terms of office of the members elected under sub-section (4).

## 12. In the Representation of the People Act, 1950,—

(a) in section 10, in sub-section (3),—

(i) for the words "Mysore and Punjab", the words "and 25  
Mysore" shall be substituted; and

(ii) for the words, brackets and figures "sub-section (2) of section 36 and sub-section (2) of section 37", the words, brackets and figures "and sub-section (2) of section 36" shall be substituted; 30

(b) for the Third Schedule, the following Schedule shall be substituted, namely:—

**"THE THIRD SCHEDULE**

(See section 10)

**5 Allocation of seats in the Legislative Councils**

10	Name of State	Total number of seats	Number to be elected or nominated under article 171(3)				
			Sub-clause (a)	Sub-clause (b)	Sub-clause (c)	Sub-clause (d)	Sub-clause (e)
	1	2	3	4	5	6	7
	1. Andhra Pradesh . . . . .	90	31	8	8	31	12
	2. Bihar . . . . .	96	34	8	8	34	12
15	3. Bombay . . . . .	108	39	9	9	39	12
	4. Madhya Pradesh . . . . .	90	31	8	8	31	12
	5. Madras . . . . .	63	21	6	6	21	9
	6. Mysore . . . . .	63	21	6	6	21	9
	7. Punjab . . . . .	51	17	4	4	18	8
20	8. Uttar Pradesh . . . . .	108	39	9	9	39	12
	9. West Bengal . . . . .	75	27	6	6	27	9;"

(c) in the Fourth Schedule,—

(i) before the heading "BIHAR", the following heading and the entries thereunder shall be inserted, namely:—

**25 "ANDHRA PRADESH**

1. Municipalities.
2. District Boards.
3. Cantonment Boards.
4. City and Town Committees.

30 5. Class I Panchayats, that is to say, Panchayats notified by the State Government in the Official Gazette as Panchayats which exercise jurisdiction over an area containing a population of not less than five thousand and whose income for the financial year immediately preceding the date of the notification was not less than

35 ten thousand rupees.

6. Class II Panchayats which have been notified for the appointment of whole-time executive officers.”;

(ii) under the heading “MADHYA PRADESH”, for the entries, the following entries shall be substituted, namely:—

- |                              |    |
|------------------------------|----|
| “1. Municipalities.          | 5  |
| 2. Janapada Sabhas.          |    |
| 3. Mandal Panchayats.        |    |
| 4. Cantonment Boards.        |    |
| 5. Notified Area Committees. |    |
| 6. Town Area Committees.”;   | 10 |

(iii) under the heading “MYSORE”, the following entries shall be added at the end, namely:—

- |   |    |
|---|----|
| “4. Notified Area Committees.   |    |
| 5. Village Panchayats with a population of not less than five thousand.”. | 15 |

Amendment  
of Act 43 of  
1951.

### 13. In the Representation of the People Act, 1951,—

(a) after section 15, the following section shall be inserted, namely:—

“15A. For the purpose of constituting the Legislative Council of the State of Madhya Pradesh and re-constituting 20 the Legislative Councils of the States of Bombay and Mysore under the States Reorganisation Act, 1956, and constituting the Legislative Council of the State of Andhra Pradesh 37 of 1956. under the Legislative Councils Act, 1957, the Governor of each of the aforesaid States shall by one or more notifica- 25 tions published in the Official Gazette of the State on such date or dates as may be recommended by the Election Commission, call upon the members of the Legislative Assembly of the State and all the council constituencies to elect members in accordance with the provisions of this Act and 30 of the rules and orders made thereunder.”;

(b) in section 74, after the words “elections held”, the words, figures and letter “in pursuance of the notifications issued under section 15A or” shall be inserted;

(c) in section 156, in sub-section (1), after the words “consti- 35 tution of the Council”, the words “or in the case of the Legislative Council of Bombay or Mysore, upon its re-constitution” shall be inserted.

Notification  
for certain  
elections to  
Legislative  
Councils.

## THE FIRST SCHEDULE

[See section 4 (2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(BIHAR) ORDER, 1951

5 In the Table,—

(a) in the third column relating to graduates' constituencies, for the figures "2", "2", "1", and "1", the figures "3", "2", "2", and "1" shall respectively be substituted;

10 (b) in the third column relating to teachers' constituencies, for the figures "1", "1", "2", and "2", the figures "2", "1", "3", and "2" shall respectively be substituted;

(c) in the third column relating to local authorities' constituencies, for the figures "6", "6", "6" and "6", the figures "8", "8", "9" and "9" shall respectively be substituted.

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## THE SECOND SCHEDULE

[See section 7(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(MADRAS) ORDER, 1951

In the Table,—

20 (a) in the third column relating to the teachers' constituency, for the figure "4", the figure "6" shall be substituted;

(b) in the third column relating to the local authorities' constituencies, for the figures "4", "4", "4" and "4", the figures "5", "5", "6" and "5" shall respectively be substituted.

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## THE THIRD SCHEDULE

[See section 9(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(PUNJAB) ORDER, 1951

In the Table,—

30 (a) in the third column relating to graduates' constituency, for the figure "3", the figure "4" shall be substituted;

(b) in the third column relating to teachers' constituency, for the figure "3", the figure "4" shall be substituted;

(c) for the entries under the heading "Local Authorities' Constituencies", the following entries shall be substituted, namely:—

"Punjab North (Local Authorities)	Amritsar, Gurdaspur, Kangra, Hoshiarpur, Kapurthala, Jullundur, Ludhiana and Ferozepur Districts.	8	5
Punjab Central (Local Authorities)	Patiala, Fatehgarh Sahib, Barnala, Bhatinda and Sangrur Districts.	3	
Punjab South (Local Authorities)	Simla, Kohistan, Ambala, Karnal, Rohtak, Gurgaon, Mohindergarh and Hissar Districts.	6"	10

### THE FOURTH SCHEDULE

[See section 10(2)]

#### MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES (UTTAR PRADESH) ORDER, 1951

For the Table appended to the Order, the following Table shall be substituted, namely:—

"TABLE

Name of constituency	Extent of constituency	No. of seats	
<i>Graduates' Constituencies</i>			
Uttar Pradesh West (Graduates)	Meerut, Agra, Jhansi and Allahabad Divisions.	5	
Uttar Pradesh East (Graduates)	Kumaon, Rohilkhand, Lucknow, Faizabad, Gorakhpur and Varanasi Divisions.	4	25
<i>Teachers' Constituencies</i>			
Uttar Pradesh West (Teachers)	Meerut, Agra, Jhansi and Allahabad Divisions.	4	
Uttar Pradesh East (Teachers)	Kumaon, Rohilkhand, Lucknow, Faizabad, Gorakhpur and Varanasi Divisions.	5	30
<i>Local Authorities' Constituencies</i>			
Meerut (Local Authorities)	Meerut Division	7	
Agra (Local Authorities)	Agra Division	5	35
Allahabad (Local Authorities)	Allahabad and Jhansi Divisions	6	
Varanasi (Local Authorities)	Varanasi and Gorakhpur Divisions	6	
Lucknow (Local Authorities)	Lucknow and Faizabad Divisions	7	
Rohilkhand (Local Authorities)	Rohilkhand and Kumaon Divisions.	8"	

## THE FIFTH SCHEDULE

[See section 11(2)]

MODIFICATIONS IN THE DELIMITATION OF COUNCIL CONSTITUENCIES  
(WEST BENGAL) ORDER, 1951

- 5 For the Table appended to the said Order, the following Table shall be substituted, namely:—

"TABLE

	Name of constituency	Extent of constituency	No. of seats
<i>Graduates' Constituencies</i>			
10	Calcutta (Graduates)	Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank.	3
15	West Bengal (Graduates)	Burdwan division; and Presidency Division [excluding Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank].	3
20			
<i>Teachers' Constituencies</i>			
25	Calcutta (Teachers)	24-Parganas district; and Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William, and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank.	3
30	West Bengal (Teachers)	Burdwan division and Presidency division [excluding 24-Parganas district and Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank].	3
35			
<i>Local Authorities' Constituencies</i>			
40	West Bengal North (Local Authorities).	Darjeeling, Jalpaiguri and Cooch-Bihar districts.	3
	West Bengal East (Local Authorities).	West Dinajpur, Malda, Murshidabad and Nadia districts.	5
	West Bengal West (Local Authorities).	Burdwan division (excluding Howrah and Hoogly districts)	7
	West Bengal Central (Local Authorities).	Howrah and Hoogly districts	5
50	West Bengal South (Local Authorities)	24-Parganas district; and Calcutta as defined in clause (11) of section 5 of the Calcutta Municipal Act, 1951 (West Bengal Act XXXIII of 1951), together with the Fort William and that part of Hastings North of the South edge of Clyde Row and Strand Road to the river bank.	7

## STATEMENT OF OBJECTS AND REASONS

The States Reorganisation Act provided for the establishment of a Legislative Council for the enlarged State of Madhya Pradesh, making the total number of States with bicameral Legislatures 8. Subsequently, the Legislative Assembly of Andhra Pradesh passed a resolution in accordance with article 169(1) of the Constitution recommending the creation of a Legislative Council for that State.

The Seventh Amendment of the Constitution raised the maximum limit set in article 171(1) for the strength of a State Legislative Council from one-fourth to one-third of the strength of the State Legislative Assembly. It was represented by some Members of Parliament as well as by some State Governments that compared to the Legislative Assemblies the strength of the Legislative Councils was meagre and that the Constitutional amendment should be availed of to increase that strength. Resolutions to this effect were passed by the Legislatures of Bombay, Madhya Pradesh, Madras, Mysore, Punjab and Uttar Pradesh.

This Bill accordingly seeks to provide for the creation of a Legislative Council for Andhra Pradesh and for increasing the strength of the Legislative Councils of the other States having such Councils. At present the strength of a Legislative Council bears no relation either to the population or to the strength of the Legislative Assembly of the State. In the Bill it is proposed to fix the strength of each Legislative Council at roughly 30% of the strength of the corresponding Legislative Assembly, except in the case of Uttar Pradesh and Bombay which have the largest Assemblies and in the case of Punjab which has the smallest. The following table sets out the present position, the States' proposals and the proposals contained in the Bill in this respect.

Name of State	Strength of Legislative Council			Strength of Legislative Assembly
	Present	State's proposal	Proposal in the Bill	
1. Uttar Pradesh . . .	72	108	108	430
2. Bombay . . . . .	72	108	108	396
3. Bihar . . . . .	72	.	96	318
4. Andhra Pradesh . . .	..	96	90	301
5. Madhya Pradesh . . .	72	96	90	288
6. West Bengal . . . .	51	75	75	252
7. Mysore . . . . .	52	69	63	208
8. Madras . . . . .	50	63	63	205
9. Punjab . . . . .	40	51	51	154

NEW DELHI;

A. K. SEN.

*The 18th July, 1957.*



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*Notes on clauses*

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*Clause 3.*—This clause fixes the strength of the Andhra Pradesh Council at 90, which is 30 per cent. of the strength of the Legislative Assembly of that State. The distribution of these seats among the five categories specified in article 171(3) is broadly as provided therein, except that the number of members to be nominated by the Governor is fixed at 12 instead of 15, and the three seats so saved, are distributed among the other four categories. In sub-clauses (3) and (4) provision is made for delimitation of the council constituencies and for the constitution of the Council as soon as practicable after such delimitation.

*Clause 4 and the first Schedule.*—The total membership of the Bihar Council is increased from 72 to 96, which is 30 per cent. of the strength of the Bihar Legislative Assembly. The number of persons to be nominated by the Governor will, however, continue to be 12. The number of persons to be elected by graduates and by teachers will be 8 each which is exactly one-twelfth of the total membership. The remaining 68 seats are equally divided between the representatives of local authorities and the representatives of the Bihar Legislative Assembly.

Sub-clause (2) and the First Schedule provide for the amendment of the Delimitation of Council Constituencies (Bihar) Order, 1951, which is necessary because of the increased representation given to the various council constituencies.

Sub-clause (4) empowers the Governor to modify, in consultation with the Election Commission, the terms of office of the additional members to be elected so that one-third of the total number of members of the Council may retire on the 6th May, 1958, and every second year thereafter.

*Clause 5.*—It is proposed to increase the strength of the Bombay Council from 72 [as fixed by section 34(3) of the States Reorganisation Act, 1956] to 108. While the number of nominated members will remain 12 as at present, the number to be elected by graduates and by teachers will be raised from 6 to 9 which is one-twelfth of the total strength. The remaining 78 seats will be equally divided between the representatives of local authorities and the representatives of the Legislative Assembly.

*Clause 6.*—The strength of the Madhya Pradesh Legislative Council, fixed at 72 by section 33(2) of the States Reorganisation Act, 1956, is increased to 90. The distribution of seats will be the same as in the case of the Andhra Pradesh Council which will have an equal strength.

*Clause 7 and the Second Schedule.*—It is proposed to increase the strength of the Madras Legislative Council from 50 to 63 and distribute those seats among the five categories as recommended by the Madras Legislature. Other provisions of the clause are on the same lines as those of clause 4 in respect of Bihar.

*Clause 8.*—The strength of the Mysore Council, fixed by section 36(3) of the States Reorganisation Act at 52, is increased by this clause to 63 which is nearly 30 per cent. of the strength of the Mysore Assembly. The distribution of seats among the five categories is the same as in the case of Madras.

*Clause 9 and the Third Schedule.*—The present Punjab Council was constituted under sub-section (2) of section 37 of the States Reorganisation Act by adding to the former Punjab Council six members elected by the members of the former PEPSU Legislative Assembly. Sub-sections (3) and (4) of that section provide for a complete re-constitution of the Council with a total strength of 40 members only. Even when that Act was under consideration in Parliament it was felt that a wholesale re-constitution should not be necessary in Punjab as in Bombay or Mysore and that some method should be devised for continuing the old Council with suitable representation for the PEPSU area.

Now that the Constitution permits the strength of the Council to be increased to 51 (which is less than one-third of the total membership of the Punjab Assembly), it is proposed to modify section 37 of the States Reorganisation Act by omitting sub-sections (3) and (4) and thereby obviating the necessity of reconstituting the existing Council. That Council will be treated as the permanently constituted Council for Punjab, but its number will be increased to 51. The nominated element will remain unaltered at 8, the representation given to graduates and teachers will be increased in each case from 3 to 4, that given to the local authorities will be increased from 13 to 17, and that given to the Legislative Assembly from 13 to 18. It is further proposed in sub-clause (2) and the Third Schedule to reduce the number of local authorities' constituencies to 3 and to delimit them afresh so as to give fair representation to all the areas now forming the State of Punjab. Ancillary provisions have also been made for the holding of elections to fill additional seats and for modifying the terms of office of the sitting members elected under section 37(2) (b) of the States Reorganisation Act and of the members to be elected to fill the additional seats.

*Clause 10 and the Fourth Schedule.*—This clause increases the strength of the Uttar Pradesh Council from 72 to 108 as recommended by the Legislature of that State. The nominated element will remain 12 as at present and the distribution of seats among the other four categories will be the same as in the case of Bombay. In view of the larger number of seats to be filled by the several council constituencies, it is proposed in sub-clause (2) and the Fourth Schedule to revise the Delimitation of Council Constituencies (Uttar Pradesh) Order, 1951, thoroughly on the lines recommended by the Election Commission. The requisite ancillary provisions are contained in sub-clauses (3), (4) and (5).

*Clause 11 and the Fifth Schedule.*—The total number of members of the West Bengal Council is proposed to be increased from 51 to 75. The nominated element will, however, remain unaltered at 9, the representation given to graduates and teachers will be increased in each case from 4 to 6, and the remaining 54 seats will be equally divided between the representatives of the local authorities and the representatives of the Legislative Assembly. In this case also, it is proposed in sub-clause (2) and the Fifth Schedule to revise the Delimitation of Council Constituencies (West Bengal) Order, 1951, thoroughly as recommended by the Election Commission.

*Clause 12.*—A new Schedule is proposed to be substituted for the existing Third Schedule to the Representation of the People Act, 1950, showing the revised strength and composition of all the Legislative Councils. The Fourth Schedule to that Act is also proposed to be amended giving a list of the local authorities in Andhra Pradesh for the purpose of election by the local authorities' constituencies and modifying the list of local authorities in the new State of Madhya Pradesh and Mysore.

*Clause 13.*—This clause makes three amendments in the Representation of the People Act, 1951. The main amendment is the insertion of a new section 15A enabling the Governors to issue the initial notifications for the constitution of the Legislative Councils of Andhra Pradesh and Madhya Pradesh and for the reconstitution of the Legislative Councils of Bombay and Mysore.

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M. N. KAUL,  
Secretary.

